

REMARKS/ARGUMENTS

Claims 1-34 remained in this application. Claim 1 has been amended. No claims have been canceled. No new claims have been added.

1. Claim Rejections Under 35 USC §102

Claims 1-3, 6-10, 11, 14, 15, 17 and 20 are rejected under 35 USC §102(a) and 102(e) as being anticipated by Beall et al. (US Patent Application Publication 2002/0004445 A1).

Applicant's have amended the claim 1 to more clearly distinguish Applicant's earlier application (US 2002/0004445 A1). In particular, Applicants' have amended the claims to insert the limitation that the median pore size is less than 15 micrometers. This limitation in combination with the other claimed limitations of low median pore size and narrow distribution is not taught or suggested by the prior art. For example, none of the example exhibit MPS below 16 microns in WO 02/41972 A1. Further, the only examples with MPS below 15 micrometers in US 2002/0004445 A1, namely D3, has a $d_{50}/(d_{50}+d_{90})$ of greater than 0.7. Thus, the limitations in claim 1 of low MPS with narrow pore size distribution are not met by any of the references. Furthermore, there is no motivation, teaching or suggestion in the art of how to achieve low MPS and also achieve the narrow pre size distribution, now claimed. Lower MPS has significant advantages in terms of strength of the filter. Accordingly, the presently claimed in invention is non-obvious in view of the cited references.

2. Claim Rejections Under 35 USC §103

The previous obviousness rejections are believed to be moot given the present amendments to claim 1. Accordingly, Applicants believe that claims 7 and 18-22 are allowable for at least the reasons give above.

Claims 23, 24 and 30-34 are rejected under 35 USC 103(a) as being unpatentable over Merkel in view of Beall et al. (US 2002/0004445 A1) or WO 02/41972 A1.

Examiner should note that neither of these references teaches the use of "magnesium oxide" as a batch material, as claimed. Instead they each teach the use of talc. Accordingly, these references cannot render the claimed invention obvious. The use of "magnesium oxide" batch material is believed to impart better pore connectivity and, therefore, lower soot-loaded pressure drop in the filter as compared to using talc in the prior art.

Claims 25-29 are allowable for at least these reasons.

3. Conclusion

Based upon the above amendments, remarks, and papers of records, Applicants believe the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

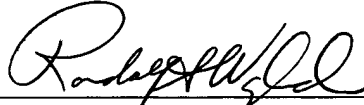
Applicants believe that no extension of time is necessary to make this Reply timely. Should Applicants be in error, Applicants respectfully request that the Office

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grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Randall S. Wayland at 607-974-0463.

Respectfully submitted,



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